

**HEARING AIDS—FITTING AND DISPENSING—
LICENSING—FEES****CHAPTER 796****H. B. No. 1482**

An Act relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Subsections (a), (b), (e), (f), and (i), Section 12; amending Subsection (a), Section 13; amending (a) and adding (c), Section 15; amending Section 19; Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566—1.12, 4566—1.13, 4566—1.15, 4566—1.19, Vernon's Texas Civil Statutes); and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Subsections (a), (b), (e), (f), and (i), Section 12, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566—1.12, Vernon's Texas Civil Statutes), are amended ⁴¹ to read as follows:

“(a) The Board shall charge a fee of \$25.00 for issuing a temporary training permit, which fee must accompany the application for a temporary training permit.

“(b) The Board shall charge a fee of \$35.00 for examining an applicant for a license, which fee must accompany the application.”

“(e) The Secretary-Treasurer of the Board shall, on or before the 10th day of each month, remit to the State Treasurer all of the fees collected by the Board during the preceding month for deposit in a separate fund to be designated as the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund.

“(f) The compensation and travel expenses allowance for members of the Board and its employees shall be provided in the General Appropriations Act. The executive director of the Board shall be allowed his actual expenses incurred while traveling on official business for the Board.”

“(i) The total appropriations to the Board shall never exceed the amount of fees estimated by the State Comptroller of Public Accounts that will be collected by the Board during the period for which the appropriations are made and any surplus sums on deposit in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund. Any funds appropriated and unexpended within the period for which the same were appropriated shall remain in the State Board of Examiners in the Fitting and Dispensing of Hearing Aids Fund.”

Sec. 2. Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566—1.13, Vernon's Texas Civil Statutes), is amended ⁴² to read as follows:

“(a) On or before the first day of January, 1972, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of \$67.50 for the renewal of his license to fit and dispense hearing aids for the year 1972. On or before the first day of January, 1973, and every year thereafter, every licensee under this Act shall pay to the Secretary-Treasurer of the Board an annual renewal fee of \$75.00

41. Vernon's Ann.Civ.St. art. 4566—1.12, subsecs. (a), (b), (e), (f), (i).

42. Vernon's Ann.Civ.St. art. 4566—1.13, subsec. (a).

for renewal of his license to fit and dispense hearing aids for the current year. On receipt of said renewal fee, the Board shall issue an annual renewal certificate bearing the number of his license, the year for which it is renewed, and such other information from the records of the Board as the Board may deem necessary for the proper enforcement of this Act."

Sec. 3. Subsection (a), Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566—1.15, Vernon's Texas Civil Statutes), is amended ⁴³ to read as follows:

"(a) It is unlawful for any person to:

"(1) buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein;

"(2) alter a license to fit and dispense hearing aids with the intent to defraud;

"(3) willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, a temporary training permit or for the renewal of a license;

"(4) falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act;

"(5) offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisions of this Act;

"(6) engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked.

"(7) before any sale of a hearing aid shall be consummated, the person purchasing the hearing aid must have his hearing tested at an examination conducted in person by the licensee."

Sec. 4. Section 19, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566—1.19, Vernon's Texas Civil Statutes), is amended ⁴⁴ to read as follows:

"Section 19. Exceptions

"Nothing in this Act shall be construed to apply to the following:

"(1) Persons engaged in the practice of measuring human hearing as a part of the academic curriculum of an accredited institution of higher learning, provided such persons or their employees do not sell hearing aids.

"(2) Persons engaged in the practice of measuring human hearing as a part of a program conducted by a nonprofit organization, provided such organization or its employees does not sell hearing aids.

"(3) Physicians and surgeons duly licensed by the Texas State Board of Medical Examiners and qualified to practice in the State of Texas.

"(4) Persons employed and directly supervised by a physician and surgeon to test or measure human hearing, provided such persons do not sell hearing aids."

Sec. 5. Section 15, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566—1.15, Vernon's Texas Civil Statutes), is amended by adding ⁴⁵ a new Subsection (c) to read as follows:

"(c) It is unlawful for any licensee to:

"(1) fail to clearly disclose his name, business address, and the purpose of the communication in any telephone solicitation of potential customers;

43. Vernon's Ann.Civ.St. art. 4566—1.15, subsec. (a). 45. Vernon's Ann.Civ.St. art. 4566—1.15, subsec. (c).

44. Vernon's Ann.Civ.St. art. 4566—1.19.

“(2) use or purchase for use a list of names of potential customers compiled by a person by telephone other than the licensee, his authorized agent or another licensee.

“(3) do any act which requires a license from the Texas Optometry Board or the Texas State Board of Medical Examiners.”

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 24, 1971: Yeas 120, Nays 16 and 1 present not voting; and that the House concurred in Senate amendments on May 30, 1971: Yeas 115, Nays 9; passed by the Senate, as amended, on May 29, 1971: Yeas 31, Nays 0.

Approved June 8, 1971.

Effective June 8, 1971.

STATE AUDITOR—RIVER AUTHORITIES—AUDIT

CHAPTER 797

H. B. No. 1541

An Act relating to the audit of accounts, books, and other financial records of river authorities; amending Chapter 293, Acts of the 48th Legislature, 1943, as amended (Article 4413a—1, et seq., Vernon's Texas Civil Statutes), by adding Section 7b; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 293, Acts of the 48th Legislature, 1943, as amended (Article 4413a—1, et seq., Vernon's Texas Civil Statutes), is amended to add ⁴⁶ a Section 7b to read as follows:

“Section 7b

“The State Auditor shall audit the accounts, books, and other financial records of all the river authorities in the state in the manner provided in this Act for audit of the State Government and shall perform all duties and functions in connection with this audit which are provided in this Act.”

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 13, 1971: Yeas 141, Nays 0; passed by the Senate on May 26, 1971: Yeas 31, Nays 0.

Approved June 8, 1971.

Effective June 8, 1971.

46. Vernon's Ann.Civ.St. art. 4413a—7b.